

Decision No. 36397

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of COUNTY)
OF IMPERIAL, a political subdivision of the)
State of California, for an order author-)
izing the construction of a public highway)
across the railroad of Southern Pacific)
Railroad Company, a corporation and Southern)
Pacific Company, a corporation, at Niland,)
Imperial County, California, and for an)
order authorizing the abolishment of a)
public highway across said Railroad, said)
abolishment to be effective on the com-)
pletion of said first mentioned construction.)

ORIGINAL

Application
No. 25138

C. G. HALLIDAY, Chief Deputy District Attorney of
Imperial County, for applicant.

C. W. CORNELL, for Southern Pacific Railroad Company
and Southern Pacific Company, protestants.

HARRY W. BOLIN, Navy Resident Engineer, in charge of
Holtville Auxiliary Air Base, U. S. Navy,
interested party.

BY THE COMMISSION:

O P I N I O N

This concerns the matter of an application by the County
of Imperial for an order authorizing the relocation of two
existing crossings over the tracks of Southern Pacific Company in
the town of Niland, California.

The Commission, in Decision No. 35691, dated August 11,
1942, authorized the construction of the two crossings designated
as Crossings Nos. B-667.8 and BN-667.8, respectively. The order
provided that applicant should bear the entire construction
expense, including protection installation, as well as maintenance
cost outside of lines two feet outside of rails. Protection at
Crossing No. B-667.8 was to be by two Standard No. 8 crossing

signals and at Crossing No. BN-667.8 by two Standard No. 1 crossing signs.

Subsequent to the issuance of the order Imperial County filed a petition requesting modification thereof, and directing attention to an agreement entered into between said County and Southern Pacific Company, a copy of which agreement was attached to the application. The agreement provided that the County should not bear more than \$1170 of the total cost of construction.

In view of the issues raised in applicant's petition the matter was reopened and set down for hearing, which was held before Examiner Gannon at El Centro on May 6, 1943.

At the hearing an authorized representative of the United States Navy testified that he had been instructed to state that the Navy would pay the sum of \$3481 for installation of wigwags, the County to pay the balance of \$1170. The estimate of \$3481 was subsequently raised to \$3760 due to increases in cost of labor and material, and this figure is agreeable to the Navy. ⁽¹⁾

It was pointed out by a witness for the Railroad that the construction could be expedited by the installation of Standard No. 3 wigwags instead of Standard No. 8 flashing light signals, (G.O. 75-B) since Southern Pacific Company has materials on hand which can be used for the wigwags.

The order following will amend the original order to conform with the revised apportionment of costs and type of protection.

(1) Since the hearing the Commission has received confirmation of this offer in writing from the Public Works Office of the Eleventh Naval District, United States Navy.

O R D E R

The above entitled proceeding having been reopened; a public hearing having been had therein; and the Commission being now fully advised,

IT IS ORDERED that the second paragraph of the order in Decision No. 35691 reading as follows:

"Applicant shall bear entire construction expense, also maintenance cost outside of lines two feet outside of rails. Southern Pacific Company shall bear maintenance cost between such lines. Width of crossings shall be not less than thirty feet and grades of approach not greater than three per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection at Crossing No. B-667.8 shall be by two Standard No. 8 crossing signals and at Crossing No. BN-667.8 by two Standard No. 1 crossing signs (General Order No. 75-B). Upon completion, Crossing No. B-667.9, about 150 feet west of proposed Crossing No. B-667.8, and Crossing No. BN-667.7, about 400 feet west of proposed Crossing No. BN-667.8, shall be abandoned and closed."

shall be amended to read as follows:

"Applicant shall bear construction expense in an amount not to exceed \$1170; also maintenance cost outside of lines two feet outside of rails. The United States Navy, in accordance with its offer of May 18, 1943, shall pay the balance of the construction cost. Southern Pacific Company shall bear maintenance cost between lines two feet outside of rails. Width of crossings shall be not less than thirty feet and grades of approach not greater than three per cent. Construction shall be equal or superior to Standard No. 2 of General Order No. 72. Protection at Crossing No. B-667.8 shall be by two Standard No. 3 wigwags and at Crossing No. BN-667.8 by two Standard No. 1 crossing signs (General Order No. 75-B). Upon completion, Crossing No. B-667.9, about 150 feet west of proposed Crossing No. B-667.8, and Crossing No. BN-667.7, about 400 feet west of proposed Crossing No. BN-667.8, shall be abandoned and closed."

In all other respects said Decision No. 35691 shall remain unchanged and in full force and effect.

Dated at San Francisco, California, this 1st day of June, 1943.

Francis R. Hayden
M. Baker
Justin P. Casper
Richard L. Harbo
Thomas O. ...
COMMISSIONERS